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30 September 1988
OCA 3282-88

MEMORANDUM FOR: See Distribution

FROM: Legislation Division
Office of Congressional Affairs

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SUBJECT: Status of Drug Legislation: House Passes
Drug Bill - H.R. 5210

1. On 22 September 1988, the House passed H.R. 5210, the "Omnibus Drug Initiative Act of 1988." Provisions of interest are attached and discussed below. As the bill is rather lengthy, please contact this office if you wish copies of it in its entirety.

2. House Drug Czar. The House "drug czar" is styled the "Director of the Office of Drug Enforcement Coordination." The position would be located in the Executive Office of the President and would not have Cabinet rank. He has fairly broad powers and duties over federal drug law enforcement activities but they are limited vis-a-vis individual federal agencies. He does not appear to have the power to affect day-to-day agency decisions. More importantly, he specifically lacks dictatorial powers in the areas of budget, resource, and personnel allocation. He does have some potentially troublesome powers in the areas of information acquisition, performance audits, and the ability to call upon agencies' inspector generals for assistance.

3. In contrast to other "czar" proposals, the House czar provision does not purport to bring traditional intelligence activities specifically within the czar's ambit. The question of whether anti-narcotics intelligence activities are within that ambit, however, is an open question.

4. The House czar provision does not contain the across-the-board intelligence exception enacted in 1984 which currently protects the Director's power and duties vis-a-vis the Drug Policy Board: 21 U.S.C. §1203 (d). In the current political climate, there was no sentiment for such a broad exemption.

5. Efforts to protect Agency equities vis-a-vis the czar now shift their focus to the draft omnibus bill being prepared in the Senate. In particular, efforts are underway to strengthen support for a provision giving the Director of Central Intelligence the power to promulgate regulations governing how a Senate drug czar would obtain intelligence information. Efforts are also underway to strengthen the DCI's budget/programmatic authorities vis-a-vis the Senate czar.

6. Alexander "Anti-Stonewalling Act" Amendment. Representative Alexander had obtained permission to offer his so-called "Anti-Stonewalling Act" amendment as the last floor amendment to the House bill. Both the Agency and the Administration vigorously opposed the amendment. At the last minute, a compromise was reached: a substitute amendment which addressed most of our concerns with the original amendment was adopted in lieu of the original. Copies of the original and the substitute are attached.

7. Broomfield Amendment. As noted in previous memoranda, the House adopted the Broomfield amendment, a sense of the Congress resolution calling for more covert action directed against international drug trafficking. Initial Administration opposition to the amendment was ultimately dropped prior to passage.

8. Drug-Free Workplace. As noted in previous memoranda, the final House bill contained the so-called "drug-free workplace" provision to which the Agency has no objection.

9. Miscellaneous Foreign Affairs Provisions. The bill as passed includes the miscellaneous foreign affairs provisions discussed in previous memoranda.

10. Other Provisions. Also included are several very controversial provisions which will make difficult Senate consideration of the bill and any House-Senate conference. These include: exclusionary rule reform, death penalty for drug offenses, and civil penalties for drug use.

11. Prospects for a Senate Drug Bill. The Senate would prefer to take up its own bipartisan bill rather than the House bill. To date, however, the Senate cannot reach agreement on the text of such a bill. As a result, it has yet to be introduced. Problems apparently include funding issues and the method of dealing with some of the more controversial proposals, e.g., death penalty and exclusionary rule reform.

12. We will keep you advised of the progress of this legislation.

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Attachments
as stated

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out a prescription by a licensed medical practitioner. Each probation officer shall provide for the random testing of probationers who are under that probation officer's supervision and to whom this condition applies, for the illicit use of such substances.

Redesignate succeeding subsections accordingly.

An amendment to be offered by Representative Oxley of Ohio or his designee to be debatable for not to exceed 30 minutes, equally divided and controlled by the proponent of the amendment and a member opposed thereto.

Page 205, after the matter following line 4, insert the following:

Subtitle M—Drug Czar

SEC. 6801. AMENDMENT TO THE NATIONAL NARCOTICS ACT OF 1984.

Section 1303 of the National Narcotics Act of 1984 (21 U.S.C. 1202) is amended by striking out the second sentence and inserting in lieu thereof the following: "There shall be at the head of the Board a chairman who shall be selected by the President and who after being selected by the President shall occupy a cabinet level position within the executive branch."

An amendment to be offered by Representative Brooks of Texas or his designee to be debatable for not to exceed 30 minutes, equally divided and controlled by the proponent of the amendment and a member opposed thereto.

Page 205, after the quoted matter following line 4, insert the following new subtitle:

Subtitle M—Drug Enforcement Policy

SEC. 6801. SHORT TITLE.

This subtitle may be cited as the "Drug Enforcement Policy Act of 1988".

SEC. 6802. NATIONAL POLICY.

The Congress declares that it is the policy of the United States and the purpose of this Act to focus the comprehensive resources of the Federal Government and bring them to bear against all aspects of illicit drug production and trafficking and to develop and assure the implementation of a comprehensive, coordinated, long-term Federal strategy to combat all aspects of such drug production and trafficking. To reach these goals, the Congress further declares that it is the policy of the United States and the purpose of this Act to meet the problems of illicit drug production and trafficking through—

- (1) coordination of drug enforcement efforts of all Federal law enforcement agencies and agencies with resources, capabilities, and responsibilities that can complement or assist law enforcement agencies;

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(2) cooperation with and sharing of drug enforce-
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ment agencies;

(3) coordination of all international, multinational,
and bilateral efforts to suppress drug trafficking, to
control cultivation of crops that are, or are the raw
materials for, controlled substances, and to control
precursor chemicals and other chemicals essential for
the manufacture and processing of controlled sub-
stances; and

(4) increased cooperation among nations in carrying
out international efforts to control the trafficking and
abuse of controlled substances.

SEC. 6803. DEFINITIONS.

For the purposes of this Act:

(1) The term "drug enforcement" means—

(A) any of the following law enforcement activi-
ties:

(i) the investigation and prosecution of drug
offenses and other investigations and prosecu-
tions of individuals involved in drug offenses,

(ii) programs or activities involving interna-
tional narcotics control,

(iii) the detection and suppression of illicit
drug production and trafficking;

(B) the interdiction of the illicit commerce in
controlled substances wherever it may occur;

(C) the suppression and eradication of the culti-
vation of crops that are, or are the raw materials
for, controlled substances; and

(D) any activity or program by any Federal
agency which can complement or assist any of the
law enforcement activities described in subpara-
graphs (A), (B), and (C).

(2) The term "drug" means a controlled substance as
that term is defined by section 102(6) of the Controlled
Substances Act (21 U.S.C. 802(6)).

SEC. 6804. OFFICE OF DRUG ENFORCEMENT POLICY.

(a)(1) There is established in the Executive Office of the
President the Office of Drug Enforcement Coordination
which shall be headed by a Director appointed by the
President with the advice and consent of the Senate.

(2) The Director shall be compensated at the rate of pay
in effect for level II of the Executive Schedule.

(3) The Director shall serve at the pleasure of the Presi-
dent. No person may serve as Director for a period of more
than 4 years, unless such person is reappointed to that
same office by the President, by and with the advice and
consent of the Senate. No person shall serve as Director
while serving in any other position in the Federal Govern-
ment.

(b) In carrying out section 6805, the Director may—

(1) employ and prescribe the functions of such officers and employees as are necessary to perform the functions vested in him by such section;

(2) direct, with the concurrence of the Secretary of a department or head of an agency employing such personnel, the temporary reassignment of personnel within the Federal Government on a reimbursable basis; and

(3) monitor policy implementation, including—

(A) conducting program and performance audits and evaluations; and

(B) requesting assistance from the Inspector General of the relevant agency in such audits and evaluations.

(c) The location of the Office in the Executive Office of the President shall not be construed to limit in any manner access by the Congress or committees of either House (1) to information, documents, and studies in the possession of, or conducted by or at the direction of the Director, or (2) to Office personnel.

SEC. 6805. DUTIES OF THE DIRECTOR.

(a) The Director shall—

(1) establish policies, objectives, and priorities for Federal drug enforcement;

(2) annually promulgate a strategy, in accordance with section 6806, for coordinated Federal drug enforcement;

(3) coordinate and oversee the performance of drug enforcement functions by Federal departments and agencies to insure the implementation of the policies, objectives, and priorities established under paragraph (1) and the fulfillment of their responsibilities under the strategy promulgated under paragraph (2);

(4) make such recommendations to the President respecting—

(A) changes in the organization, management, and budgets of Federal departments and agencies engaged in drug enforcement; and

(B) the allocation of personnel to and within such departments and agencies; as the Director determines are appropriate to implement the policies, priorities, and objectives established under paragraph (1) and the strategy promulgated under paragraph (2);

(5) consult with and assist State and local governments respecting their relations with Federal departments and agencies in the performance of drug enforcement, including the review of State and local drug control strategies; and

(6) submit to Congress a report, no later than 180 days after the first Director is confirmed by the Senate, and in each fiscal year thereafter, which shall specify the objectives, nature, and results of the drug

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enforcement activities undertaken by the Director in the preceding fiscal year, include the current strategy required under paragraph (2), and account for the funds expended under this Act.

(b) To carry out subsection (a), the Director shall—

(1) review the regulations, guidelines, requirements, criteria, and procedures of Federal departments and agencies applicable to the performance of drug enforcement;

(2) conduct, or provide for, evaluations of (A) the performance of drug enforcement by Federal departments and agencies, and (B) the results achieved by such departments and agencies in the performance of such enforcement;

(3) review the annual budgets submitted to the Office of Management and Budget for the Federal departments and agencies engaged in drug enforcement and make recommendations to the President respecting such budgets before they are submitted to the Congress; and

(4) review the allocation of personnel to and by such departments and agencies.

(c) Federal departments and agencies engaged in drug enforcement shall submit to the Director such information and reports as may be required to carry out this section.

SEC. 6806. STRATEGY.

(a) The strategy promulgated under section 6805(a)(2) shall—

(1) be a comprehensive, long-range plan for the Nation to follow in reducing drug abuse in the United States;

(2) include a complete list of goals, policies, programs, and objectives in—

(A) drug investigations;

(B) drug prosecutions and incarceration;

(C) drug interdiction;

(D) international drug enforcement efforts;

(E) drug law enforcement intelligence; and

(F) any other drug law enforcement efforts deemed necessary by the Director;

(3) include a complete list of resources required to implement the strategy for each category of drug law enforcement efforts included in paragraph (2), for the following 5 fiscal years;

(4) include a complete list of milestones and target dates for each category of drug law enforcement efforts included in paragraph (2) to assess the progress of the strategy;

(5) include recommendations of any legislative or regulatory changes which may be needed to implement the strategy; and

(6) include an analysis and evaluation of the major programs conducted, expenditures made, results

achieved, plans developed, and problems encountered in the operation and coordination of the various Federal drug enforcement functions.

(b) To facilitate the preparation of the strategy under section 6805(a)(2), the Director shall—

(1) engage in the planning necessary to develop the objectives for a comprehensive, coordinated long-term strategy, including examination of the overall Federal investment to combat illicit drug production and trafficking;

(2) require departments and agencies engaged in Federal drug enforcement to submit such information and reports and to conduct such studies, audits, and surveys as are necessary to carry out the purposes of this Act, and the departments and agencies shall submit to the Director the information, reports, studies, and surveys so required; and

(3) evaluate the performance and results achieved by Federal drug enforcement and the prospective performance and results that might be achieved by programs and activities in addition to or in lieu of those currently being administered.

SEC. 6807. TERMINATION OF THE NATIONAL DRUG ENFORCEMENT POLICY BOARD AND THE NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM.

(a)(1) The National Drug Enforcement Policy Board is terminated 90 days after the date on which the first Director appointed under this Act is confirmed by the Senate. Upon such termination, all records and property of the National Drug Enforcement Policy Board shall be transferred to the Director.

(2) No later than 30 days after the first Director appointed under this Act is confirmed by the Senate, the Director shall determine which audits, studies, reviews, or other efforts in progress on behalf of the National Drug Enforcement Policy Board shall be continued and completed for the use of the Director. Any National Drug Enforcement Policy Board staff personnel required to complete those efforts may be retained for that purpose by the Director on a reimbursable basis.

(3) The National Narcotics Act of 1984 (21 U.S.C. 1201 et seq.) is repealed effective 90 days after the date on which the first Director appointed under this Act is confirmed by the Senate.

(b) Within 90 days after the date on which the first Director is confirmed by the Senate, the Director shall submit to Congress a recommendation on whether to terminate the National Narcotics Border Interdiction System.

SEC. 6808. AUTHORIZATION OF APPROPRIATIONS.

For the purposes of carrying out this Act, there are authorized to be appropriated \$2,500,000 for fiscal year 1989 and such sums as may be necessary for each fiscal year thereafter.

Original Version

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Page 341, strike line 14 and all that follows through page 356, line 5, and insert the following:

SEC. 10006. DRUG TESTING CERTIFICATION PROGRAM REQUIREMENTS.

(a) **IN GENERAL.**—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish a procedure to be used to (1) certify certain clinical laboratories that analyze and determine the results of drug tests conducted by other entities or individuals, and (2) ensure that such laboratories maintain high quality and appropriate security concerning the results of such tests.

(b) **REQUIREMENTS.**—Under the procedures established under subsection (a), a laboratory that conducts drug testing shall, as determined under guidelines prescribed by the Secretary of Health and Human Services—

(1) meet the mandatory guidelines, or be determined by the Secretary of Health and Human Services to have met the mandatory guidelines, established by the Secretary under subclauses (I) and (III) of section 503(a)(1)(A)(ii) of the Supplemental Appropriations Act, 1987, or

(2) have been inspected and accredited by a national accrediting body approved for such purpose by the Secretary.

(c) **SPENDING RESTRICTION.**—

(1) The Secretary of Health and Human Services may not expend any Federal funds for any part of the certification of laboratories to conduct drug testing of Federal employees. Costs associated with such certifications shall be the responsibility of the laboratories seeking the certification.

(2) Paragraph (1) does not limit the authority of the Secretary to expend Federal funds to administer and provide oversight of the clinical laboratory certification process.

An amendment to be offered by Representative Alexander of Arkansas or his designee to be debatable for not to exceed 20 minutes, equally divided and controlled by the proponent of the amendment and a member opposed thereto. "

Page 375, after line 21, insert the following new title:

TITLE XI—INTERAGENCY COOPERATION RELATING TO INFORMATION ON ILLEGAL FOREIGN DRUG ACTIVITIES

SEC. 11001. SHORT TITLE.

This title may be cited as the "Anti-Stonewalling Act of 1988".

SEC. 11002. INTERAGENCY COOPERATION RELATING TO INFORMATION ON ILLEGAL FOREIGN DRUG ACTIVITIES.

(a) **IN GENERAL.**—Any officer or employee in the executive branch of the Government, who, in the course of the official duties of such officer or employee, obtains information about illegal foreign drug activities shall promptly furnish such information through the head of the agency in which the officer or employee serves or is employed—

(1) to the head of any other agency designated under subsection (b); and

(2) upon request of a committee of the Congress or of the Comptroller General, as the case may be, to such committee or to the Comptroller General.

(b) **DESIGNATIONS.**—Not later than 60 days after the date of the enactment of this Act, the President shall—

(1) designate agencies involved in the formulation of United States foreign policy or the enforcement of Federal drug laws to receive information under subsection (a)(1); and

(2) notify the Speaker and the minority leader of the House of Representatives, the President pro tempore and the minority leader of the Senate, and the Comptroller General of such designations.

The President shall review such designations once each year and may, on the basis of the review, change any designation, with notification as provided in paragraph (2).

(c) **NONDISCLOSURE.**—Except with respect to the disclosure of information to the General Accounting Office, notwithstanding subsection (a), the head of an agency may withhold the disclosure of information that, as determined by the head of the agency—

(1) may jeopardize a United States foreign intelligence or counterintelligence activity or source;

(2) may jeopardize a law enforcement investigation; or

(3) may adversely affect the national defense or security of the United States.

The authority to make such a determination may not be delegated. Any such determination shall be communicated in writing to the President, who may direct the head of the agency to furnish the information under such procedures and safeguards as the President may specify.

(d) **APPLICABILITY OF SECTION 716 OF TITLE 31, UNITED STATES CODE.**—If information requested by the Comptroller General under subsection (a) is not furnished within a reasonable time, section 716 of title 31, United States Code, shall apply to such request.

(e) **DUTY OF THE PRESIDENT.**—In the event the President withholds information from a committee of the Congress for any of the reasons set forth in subsection (c), the President shall transmit in writing to the chairman and ranking minority party member of such committee a statement of the reasons for the decision. If the information concerns a United States foreign intelligence or counterintelligence

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activity or source, the President shall promptly inform the chairman and ranking minority party member of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of the nature of the information withheld. This section does not waive or otherwise alter any right or procedure that the Congress or any committee of the Congress may otherwise have to receive such information.

(f) DEFINITIONS.—As used in this section—

(1) the term "officer or employee in the executive branch of the Government" means an appointed officer in the executive branch of the Government, an employee in the executive branch of the Government, and a member of a uniformed service; and

(2) the term "agency" means a department, agency, or establishment in the executive branch of the Government.

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H 7922

Substitute CONGRESSIONAL RECORD — HOUSE

September 22, 1988

(5) The dissemination of information to law enforcement agencies that have responsibility for enforcement of drug laws.

(d) **GUIDELINES**—The Task Force shall recommend to the Administrators guidelines for cleanup of illegal drug laboratories to protect the public health and environment. Not later than 180 days after the date of the enactment of this Act, the Administrators shall formulate and publish such guidelines.

(e) **DEMONSTRATION PROJECTS**—

(1) The Attorney General shall make grants to, and enter into contracts with, State and local governments for demonstration projects to clean up and safely dispose of substances associated with illegal drug laboratories which may present a danger to public health or the environment.

(2) The Attorney General may not under this subsection make a grant or enter into a contract unless the applicant for such assistance agrees to comply with the guidelines issued pursuant to subsection (d).

(3) The Attorney General shall, through grant or contract, provide for independent evaluations of the activities carried out pursuant to this subsection and shall recommend appropriate legislation to the Congress.

(f) **FUNDING**—Of the amounts made available to carry out the Controlled Substances Act for fiscal year 1989, not less than \$5,000,000 shall be made available to carry out subsections (d) and (e).

(d) **REPORTS**—After consultation with the Task Force, the Administrators shall—

(1) transmit to the President and to each House of Congress not later than 270 days after the date of the enactment of this Act a report describing the program established by the Task Force under subsection (c) (including and analysis of the factors specified in paragraphs (1) through (5) of that subsection);

(2) periodically transmit to the President and to each House of Congress reports describing the implementation of the program established by the Task Force under subsection (c) (including an analysis of the factors specified in paragraphs (1) through (5) of that subsection) and the progress made in the cleanup and disposal of hazardous waste produced by illegal drug laboratories; and

(3) transmit to each House of Congress a report describing the findings made as a result of the evaluations referred to in subsection (e)(3).

Page 178, line 14, strike out "\$620,551,000" and insert in lieu thereof "\$625,551,000".

Page 375, after line 2, insert the following:
TITLE XI—INFORMATION ON ILLEGAL FOREIGN DRUG ACTIVITIES

SEC. 11001. COOPERATION BETWEEN AGENCIES AND WITH CONGRESS.

(a) **REQUIREMENT FOR INTERAGENCY COOPERATION**—Any officer or employee in the executive branch who, in the course of his or her official duties, obtains information about illegal foreign drug activities shall promptly furnish such information, in accordance with the procedures established by the President pursuant to subsection (b)(4), to the head of an agency designed by the President pursuant to subsection (c)(2).

(b) **ESTABLISHMENT OF REPORTING PROCEDURES AND DESIGNATION OF RECIPIENT AGENCIES**—Not later than 60 days after the date of the enactment of this Act, the President—

(1) shall establish procedures for furnishing information pursuant to subsection (a);

(2) shall designate one or more agencies as an agency to which such information is to be furnished (such agencies to include, as the President determines appropriate, agencies involved in the formulation of United

State foreign policy, agencies involved in the enforcement of Federal drug laws, the agency in which the officer or employee who obtains the information serves or is employed, or other agencies).

(3) shall establish procedures for the sharing of information furnished to an agency pursuant to this section with other agencies, where appropriate; and

(4) shall notify the Congress of the procedures so established and the agencies so designated.

The President shall review such procedures and designations once each year and may, on the basis of the review, change any such procedure or designation, with notification as provided in paragraph (4).

(c) **DEFINITIONS**—As used in this section—

(1) the term "agency" means a department, agency, or establishment in the executive branch of the Government;

(2) the term "controlled substance" has the same meaning as is provided in section 102 of the Controlled Substances Act (21 U.S.C. 802);

(3) the term "illegal foreign drug activities" means activities occurring primarily outside the United States which, if they occurred in the United States, would be a felony under—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.);

(B) any other Federal law involving controlled substances; or

(C) Subchapter II of chapter 53 of title 31, United States Code (commonly referred to as the "Bank Secrecy Act"), section 1956 or section 1957 of title 18, United States Code (commonly referred to as the "Money Laundering Act"), or any other provision of title 18, United States Code, if the violation is related to illicit production of or trafficking in a controlled substance; and

(4) the term "officer or employee in the executive branch" means an appointed officer or an employee in the executive branch of the Government, and a member of a uniformed service.

Page 2, immediately after the item relating to title X, insert the following:

Title XI—Information on Illegal Foreign Drug Activities

The **CHAIRMAN**. Without objection, the reading of the amendments will be dispensed with, and the amendments will be printed in the RECORD.

There was no objection.

The **CHAIRMAN**. Pursuant to the rule, the gentleman from Washington [Mr. FOLEY] is recognized for 30 minutes in support of his amendments.

Mr. FOLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I am delighted to accept that, except I was wondering if I could claim the time designated for the gentleman from Illinois [Mr. MICHEL] as his designee.

The **CHAIRMAN**. The Chair would state under the rule the gentleman from Washington [Mr. FOLEY] is entitled to 30 minutes and the gentleman from Illinois [Mr. MICHEL] is entitled to 30 minutes.

As the Chair understood it, the gentleman from Washington [Mr. FOLEY] was yielding 15 minutes of his time.

Mr. FOLEY. Mr. Chairman, if the Chair will indulge me, I understood

that the total time was half an hour. The Chair is correct; it is half an hour on each side, so I will claim the full 30 minutes, and the gentleman from Florida [Mr. McCOLLUM] can claim the full 30 minutes on his side.

The **CHAIRMAN**. Without objection, the gentleman from Florida [Mr. McCOLLUM] may control the time of the gentleman from Illinois [Mr. MICHEL].

There was no objection.

The **CHAIRMAN**. The gentleman from Washington [Mr. FOLEY] will be recognized for 30 minutes and the gentleman from Florida [Mr. McCOLLUM] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment before us is offered on my behalf and that of the gentleman from Illinois [Mr. MICHEL], the Republican leader. It includes a number of individual proposals offered by Members on both sides of the aisle which have been consolidated in one package. Each of them has been cleared with not only the gentleman from Illinois [Mr. MICHEL] and myself, but with the leadership of the subcommittees of the various committees involved with this bill.

Mr. Chairman, while I intended to recognize a few Members present on the floor who wish to speak to specific proposals included in this amendment, let me say before doing so that I am deeply appreciative of the cooperation of the gentleman from Illinois [Mr. MICHEL], the Republican leader, and of the leadership of the subcommittees.

In particular I would like to mention the gentleman from New York [Mr. RANGEL] and the gentleman from New Jersey [Mr. HUGHES], as well as the gentleman from Florida [Mr. McCOLLUM] on the Republican side. They have all worked very assiduously on this legislation and have had the principal responsibility for the managing of the bill during its consideration by the House.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ANDERSON].

(Mr. ANDERSON asked and was given permission to revise and extend his remarks.)

Mr. ANDERSON. Mr. Chairman, there are many questions that have been asked, or need to be asked, about how we deal with the problem of drugs in our country. For example, is urinalysis or any drug analysis reliable? Is random urinalysis without probable cause for suspected drug use constitutional, ethical, or effective? Should an employee be disciplined if his urine tests positive for marijuana as a result of inhaling secondary smoke at a rock concert? Do positive drug test results indicate impairment at work? Regardless of where one stands on the drug

"O'Neil Substitute" for Alexander Amendment - as passed